

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

TODD LEE LEANY,
Trustee of the Todd Lee Leany
Irrevocable Trust,

Plaintiff,

VS.

SAN DIEGO STEEL HOLDINGS GROUP, INC.,
et al.,

Defendants.

Case No. 2:15-cv-01349-MMD-CWH

ORDER

This matter is before the Court on the parties' Proposed Discovery Plan and Scheduling Order (doc. # 22), filed September 17, 2015.

The Court has reviewed the proposed discovery plan and finds that it does not comply with Local Rule (“LR”) 26-1(e)(1), which measures discovery “from the date the first defendant answers or otherwise appears.” The first defendant in this case filed a petition for removal (doc. # 1) on July 15, 2015, which would result in a discovery cut-off deadline of January 11, 2016. However, the parties, in their proposed discovery plan, failed to state the date they measured the discovery cut-off deadline to erroneously conclude that the cut-off date is January 18, 2016. See Doc. # 22 at 2.

Accordingly, **IT IS HEREBY ORDERED** that the parties' Proposed Discovery Plan and Scheduling Order (doc. # 22) is **denied**.

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IT IS FURTHER ORDERED that the following dates shall govern discovery:

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| 1. | Discovery cutoff | January 11, 2016 |
| 2. | Motions to amend pleadings and add parties | October 13, 2015 |
| 3. | Expert designations | November 12, 2015 |
| 4. | Rebuttal expert designations | December 14, 2015 |
| 5. | Interim status report | November 12, 2015 |
| 6. | Dispositive motions | February 10, 2016 |

IT IS FURTHER ORDERED that any extension of the discovery deadline will not be allowed without a showing of **good cause** as to why all discovery was not completed within the time allotted. All motions or stipulations to extend discovery shall be received by the Court at least **twenty-one (21) days** prior to the date fixed for completion of discovery, at least **twenty-one (21) days** prior to the expiration of any extension thereof that may have been approved by the Court, or at least **twenty-one (21) days** prior to the expiration of the subject deadline. Any extension or modification of a discovery deadline or subject deadline not filed at least twenty-one (21) days prior to the date fixed for completion of discovery or the expiration of the subject deadline must be supported by a showing that the failure to act was the result of **excusable neglect**. The motion or stipulation shall include:

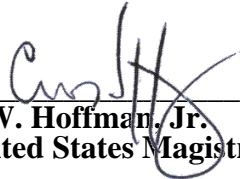
1. A statement specifying the discovery completed by the parties as of the date of the motion or stipulation;
2. A specific description of the discovery which remains to be completed;
3. The reasons why such remaining discovery was not completed within the time limit of the existing discovery deadline; and
4. A proposed schedule for the completion of all remaining discovery.

It is not good cause for a later request to extend discovery that the parties informally postponed discovery. No stipulations are effective until approved by the Court, and “[a]ny stipulation that would interfere with any time set for completion of discovery, for hearing of a motion, or for trial, may be made only with approval of the Court.” See LR 7-1(b).

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1 **IT IS FURTHER ORDERED** that if no dispositive motions have been filed within the time
2 frame specified in this order, then the parties shall file a written, joint proposed Pretrial Order by
3 **March 11, 2016**. If dispositive motions are filed, then the parties shall file a written, joint proposed
4 Pretrial Order within 30 days of the date the Court enters a ruling on said dispositive motions.

5 DATED: September 18, 2015

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10 **C.W. Hoffman, Jr.**
11 **United States Magistrate Judge**
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